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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,084	03/22/2004	Kelly M. Christensen	STRATOS.006A	1383
20995 7590 11/02/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER SMITH, SHEILA B	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 11/02/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/806,084	Applicant(s) CHRISTENSEN ET AL.	
	Examiner Sheila B. Smith	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,35-37 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,35-37 and 44-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-11,35-37,44-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Henrick (U.S. Patent Number 6,507,727).

Regarding claims 1, 34,60,65, Henrick discloses all of the claimed invention as set forth in the instant application, additionally Henrick discloses a method for responding to a broadcast segment, the method comprising: receiving the broadcast segment using a communications device extracting using the communication device a unique event identifier corresponding to a specific instance of the broadcast segment (block 312); the unique event identifier being provided by a data manager detecting a response by a user to the broadcast signal (block 402); extracting from the communications device to determine a user identifier (block 402); creating using the communication device a data packet comprising at least the unique event identifier and the user identifier communicating data packet to the data manager for responding to the data packet. (block 406) (as exhibited in figure 4, and which reads on column 1 lines 60-67 and column 2 lines 1-40 column 5 lines 11-47).

Regarding claim 2, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user response corresponds to the user tuning into a broadcast frequency (which reads on column 2 lines 60-67).

Regarding claim 3, Henrick discloses everything claimed as applied above additionally, Henrick discloses a comprising communicating a time corresponding to a time of broadcast (which reads on column 1 lines 20-47).

Regarding claim 4, Henrick discloses everything claimed as applied above additionally, Henrick discloses comprising communicating a time corresponding to a time of user response (which reads on column 1 lines 20-47).

Regarding claim 5, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a network address (which reads on column 5 lines 11-47).

Regarding claim 6, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a telephone number (which reads on column 5 lines 11-47).

Regarding claim 7, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a credit card (which reads on column 5 lines 11-47).

Regarding claim 8, Henrick discloses everything claimed as applied above additionally, Henrick discloses the user identifier corresponds to a vehicle identification number (which reads on column 5 lines 11-47).

Regarding claim 9, Henrick discloses everything claimed as applied above additionally, Henrick discloses the communications device is wireless (which reads on column 1 lines 20-47).

Regarding claim 10, Henrick discloses everything claimed as applied above additionally, Henrick discloses the polling occurs over a wireless network (which reads on column 5 lines 11-47).

Regarding claims 11 and 44-59, Henrick discloses everything claimed as applied above additionally, Henrick discloses using the communicated event identifier to identify an event in a database (which reads on column 5 lines 11-47).

Regarding claim 34, Henrick discloses everything claimed as applied above additionally, Henrick discloses a method for tracking user response to a broadcast, the method comprising: broadcasting at least one event identifier over a subcarrier channel (block 312); receiving at least

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one data packet from a broadcast receiver in response to the at least one broadcast event identifier (block 402); and providing a summary of the received at least one data packet (as exhibited in figure 4, and which reads on column 5 lines 11-47).

Regarding claim 35, Henrick discloses everything claimed as applied above additionally, Henrick discloses the at least one data packet was received without user initiation (which reads on column 5 lines 11-47).

Regarding claim 36, 61-64, Henrick discloses everything claimed as applied above additionally, Henrick discloses the at least one data packet is tracked according to user, and a user is rewarded for the receipt of the at least one data packet (which reads on column 5 lines 11-47).

Regarding claims 37, 66-69, Henrick discloses everything claimed as applied above additionally, Henrick discloses the at least one data packet was forwarded by a first user to a second user, and the first user is rewarded for the receipt of the at least one data packet (which reads on column 5 lines 11-47).

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Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

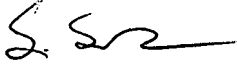
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Smith 
October 29, 2007


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER